



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TJR
Docket No: 2985-00
23 October 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 20 September 1945 at the age of 17. Your record reflects that you served for year and 10 months without disciplinary incident but on 3 July 1947 you were convicted by deck court (DC) of a two day period of unauthorized absence (UA) and were awarded confinement for seven days and a \$30 forfeiture of pay. On 3 July 1948 you were convicted by DC of sleeping on watch and were awarded hard labor for two months and a \$60 forfeiture of pay.

Your record further reflects that on 8 February 1949 you were convicted by general court-martial (GCM) of a three specifications of assault and drunkenness. Evidence in the record shows that the assault charges resulted from your participation in a gang fight. You were sentenced to confinement for 12 months, a reduction in rate, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review and ordered executed. On 7 September 1949 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that under current standards, you would not receive a BCD for the same disciplinary infractions. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your assault offenses and the frequency of your misconduct. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director